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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (BRL)

Plaintiff-Applicant,

SIPA LIQUIDATION  
(Substantively Consolidated)

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

-----X  
In re:

BERNARD L. MADOFF,

Debtor.  
-----X

**PROOF OF SERVICE**

Pursuant to 28 USC §1746, the undersigned, Robert J. Kaplan, declares as follows:

I am over the age of 18 years. I am not a party to this case or proceeding. I reside in Brooklyn, New York.

On December 3, 2012, I served the following papers (Docket No. 5122) on Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq., and Securities Investor Protection Corporation, 805 15th Street, N.W., Suite 800, Washington, D.C. 20005, Attn: Kevin H. Bell, Esq., by transmitting to the e-mail addresses that the Court's ECF system reflects for those attorneys both a copy of those papers and a copy of the Notice of Electronic Filing that the Court's ECF system generated for those papers.

Docket No. 5122

**Response to Motion --**  
**MEMORANDUM FOR MUUS INDEPENDENCE FUND LP AND**  
**MICHAEL W. SONNENFELDT IN RESPONSE TO THE TRUSTEE'S**  
**TIME-BASED DAMAGES MOTION**

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on December 3, 2012.

*s/ Robert J. Kaplan*

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Robert J. Kaplan